

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GILBERT ARTEAGA,)	
)	
Petitioner,)	Civil Action No. 09-191J
)	
v.)	Judge Gibson
)	Magistrate Judge Bissoon
WARDEN COLEMAN, et al.,)	
)	
Respondents.)	

MEMORANDUM ORDER

Gilbert Arteaga's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254 was received by the Clerk of Court on July 14, 2009, and was referred to United States Magistrate Judge Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on July 30, 2009, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Arteaga be dismissed, and that a certificate of appealability be denied. Arteaga filed objections on August 10, 2009, and also filed a "Motion to Alter or Amend Judgment" (Doc. 7) asserting that the Magistrate Judge erred in filing a Report and Recommendation before Respondents were required to respond to the petition.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 12th day of August, 2009,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Gilbert Arteaga is DISMISSED, and a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion to Alter or Amend Judgment (Doc. 7) is DENIED because no judgment existed at the time the Motion was filed.

The Report and Recommendation of Magistrate Judge Bissoon, (Doc. 5), dated July 30, 2009, is adopted as the opinion of the court.

A handwritten signature in black ink, reading "Kim R. Gibson". The signature is written in a cursive, flowing style. The first name "Kim" is written with a large, stylized "K". The middle initial "R." is written in a smaller, more formal script. The last name "Gibson" is written in a large, cursive script.

Kim Gibson
United States District Court Judge